

3771

ÉIRE.

STATUTORY RULES AND ORDERS.

STATUTORY RULES AND ORDERS.

1939. No.

The Government in exercise of the powers conferred on them by the Emergency Powers Act, 1939 (No. 1 of 1939) and of every and any other power then in this behalf enabling, hereby orders as follows:—

1. This Order may be cited as the Emergency Powers (No. 2) Order, 1939.

2. In this Order—

the word "aircraft" has the same meaning as in the Air Navigation Act, 1939 (No. 1 of 1939);

EMERGENCY POWERS (No. 2) ORDER, 1939.

The expression "Irish aircraft" means aircraft registered in the State;

the expression "Irish ship" means a ship registered in the State under the Merchant Shipping Act, 1939 (No. 1 of 1939);

the expression "Irish national colours" means a flag divided vertically into equal horizontal stripes of equal width, the top stripe being green, the middle stripe being white, and the bottom stripe being orange; the green stripe next the hoist and the orange stripe next the fly shall be of double width.

Every Irish ship shall be hoisted on any Irish ship any distinctive national colours other than the Irish national colours or those of the flag of the State.

(1) Every Irish ship shall hoist the Irish national colours on entering or leaving any port outside the State, and if such ship is of fifty tons gross tonnage or upwards, on entering or leaving any port in the State.

(2) This Article shall not apply to a fishing boat duly entered in the fishing boat register and numbered in accordance with the Merchant Shipping Act, 1939 (No. 1 of 1939).

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ÉIRE.

STATUTORY RULES AND ORDERS.

1939. No. .

EMERGENCY POWERS (No. 2) ORDER, 1939.

The Government in exercise of the powers conferred on them by the Emergency Powers Act, 1939 (No. 28 of 1939) and of every and any other power them in this behalf enabling, hereby order as follows:—

Short Title. 1. This Order may be cited as the Emergency Powers (No. 2) Order, 1939.

Definitions. 2. In this Order—

the word “ aircraft ” has the same meaning as in the Air Navigation and Transport Act, 1936 (No. 40 of 1936);

the expression “ Irish aircraft ” means aircraft registered in the State;

the expression “ Irish ship ” means a ship registered in the State under the Merchant Shipping Acts, 1894 to 1939;

the expression “ the Irish national colours ” means a flag divided into three equal vertical stripes coloured respectively green, white, and orange, the green stripe next the hoist and the orange stripe in the fly.

Prohibition
of Irish
ships
hoisting
other
national
colours.

3. There shall not be hoisted on any Irish ship any distinctive national colours, other than the Irish national colours or those colours with a white border.

Obligation
on Irish
ships to
show
national
colours.

4. (1) Every Irish ship shall hoist the Irish national colours on entering or leaving any port outside the State, and, if such ship is of fifty tons gross tonnage, or upwards, on entering or leaving any port in the State.

(2) This Article shall not apply to a fishing boat duly entered in the fishing boat register and lettered and numbered in accordance with regulations made under Part IV of the Merchant Shipping Act, 1894.

Restriction
on
registration
ships.

5. No ship shall, except with the sanction of the Minister for Industry and Commerce, be registered, on or after the date of this Order, in the State under the Merchant Shipping Act, 1894.

6. (1) No person shall, except under the authority of a licence granted by the Minister for Industry and Commerce, transfer or mortgage, or transfer any mortgage of, any Irish ship or any share in an Irish ship.

Restriction
on transfers
and
mortgages
of Irish
ships.

(2) Any instrument purporting to be a transfer, or mortgage, or a transfer of a mortgage of any Irish ship or any share in an Irish ship shall, unless it is made under the authority of a licence granted by the Minister for Industry and Commerce, be void.

7. (1) No person shall, except under the authority of a licence granted by the Minister for Industry and Commerce, sell, transfer or let on hire (whether under charter or otherwise), or do anything involving the creation of a charge on—

Restriction
on selling
etc., Irish
aircraft.

(a) any Irish aircraft;

(b) any aircraft in the State which may have been at any time registered in the State and which is at the date of the making of this Order unregistered;

(c) any airframe, aero-engine or airscrew in the State.

(2) Any transaction in contravention of paragraph (1) of this Article shall be void.

(3) The restriction and avoidance under this Article of transactions in respect of airframes, aero engines and airscrews shall not be construed as restricting or rendering void any transaction relating to an aircraft to which neither clause (a) nor (b) of paragraph (1) of this Article applies, by reason only that any airframe forming part of such aircraft or any aero-engine or airscrew installed therein is in the State.

DUBLIN.

This 3rd day of September, 1939.

Restrictions
on transfer
of land
rights

6. (1) No person shall, except under the authority of a licence granted by the Minister for Industry and Commerce, transfer or mortgage, or transfer any mortgage of, any Irish ship or any share in an Irish ship.

(2) Any instrument purporting to be a transfer or mortgage, or a transfer of a mortgage of any Irish ship or any share in an Irish ship, unless it is made under the authority of a licence granted by the Minister for Industry and Commerce, is void.

Restrictions
on transfer
of land
rights

(3) No person shall, except under the authority of a licence granted by the Minister for Industry and Commerce, sell, transfer or let on hire (whether under charter or otherwise) or do any other thing involving the creation of a charge on—

- (a) any Irish aircraft;
- (b) any aircraft of the State which may have been at any time registered in the State and which is at the date of the making of this Order unregistered;
- (c) any aircraft, engine or motor in the State.

(4) Any transaction in contravention of paragraph (1) of this Article shall be void.

(5) The restriction and avoidance under Article 12 of this Act in respect of mortgages, liens and charges shall not be regarded as restricting or rendering void any transaction relating to an aircraft to which neither clause (a) nor (b) of paragraph (3) of this Article applies by reason that any aircraft forming part of such aircraft or any engine or motor relating thereto is in the State.

IRISH AIR

This Act shall be deemed to have been made on the 1st day of September, 1938.

Doneck, this 28th day of August, 1938.

Wm. J. ...